

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEITH BROCKSMITH,)	4:09CV3202
)	
Plaintiff,)	
v.)	MEMORANDUM
)	AND ORDER
DUNCAN AVIATION,)	
)	
Defendant.)	

The defendant has filed a motion for an order permitting it to file a document under seal. The motion indicates that the defendant desires to restrict access to an exhibit it intends to file in support of its motion for summary judgment. Thus, the defendant states that “Exhibit D, Melanie Ways’ Affidavit, contains birthdates which are necessary in this age discrimination matter but cannot be filed under the E-Government Act. Defendant has been able to redact the birthdates from the other affidavits because Ms. Ways has also provided the information.” (Filing [37](#))

The defendant has failed to file Exhibit D as required by our local rules, *see* NECivR 5.0.3(c)(1)(B) (“The unredacted document must . . . [be] filed separately as a restricted document.”), and has failed to explain why it would not be sufficient to redact all but the year from any birth date contained in the affidavit, as permitted by Federal Rule of Civil Procedure 5.2(a)(2). *See* NECivR 5.0.3(c)(1)(A) (“The motion must state why filing an unredacted document is necessary and why redaction would not reduce or eliminate the need for restriction.”). Consequently,

IT IS ORDERED that the defendant’s motion to file under seal (filing [37](#)) is denied without prejudice.

June 23, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge